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NO. 88-1452

IN THE SUPREME COURT

OF THE

UNITED STATES

OCTOBER 1988 TERM

RODNEY F. STICH

Petitioner

UNITED STATES BANKRUPTCY COURT,
JUDGE EDWARD JELLEN,
CHARLES DUCK, TRUSTEE,
Respondents.

On Writ of Certiorari to the United States
Court of Appeals for the Ninth Circuit

APPELLANT'S REPLY BRIEF

Rodney F. Stich
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This reply brief addresses arguments raised in respondent trustee's opposition brief. It also makes reference to, and incorporates, petitioner's motion for writ of stay/injunction submitted to Chief Justice Rehnquist by March 21, 1989 mailing.

I. SUMMARY OF ARGUMENT

THE PRIMARY ISSUE

The primary question raised in this petition is whether petitioner's life's assets were seized in violation of constitutional due process, and violated clear and settled rights and protections in law.

Respondent admits that the assets were seized without petitioner having a right to defend, and without the statutory requirement of a noticed hearing, legally recognized cause, and supporting evidence.

The other arguments raised by respondent are secondary to these main issues. Nevertheless, they raise issues of grave implications, including widespread judicial misconduct in the Ninth Circuit.

Respondent seeks to deceive this Court by half-truths, misstatement of the facts, and of the law, and cause this Court to align itself with felons in a major

air disaster, government, and judicial scandal, of which respondent plays a key role.

II. RESPONDENT'S BRIEF IS RIDDLED WITH ERRORS AND DECEPTION

Respondent gives only cursory attention to the issue of the seizure of petitioner's life's assets (p.3), and doesn't deny that the wrongful seizure occurred. Respondent seeks to give the unconstitutional seizure, legitimacy, by stating that appellate courts have reconsidered the appropriateness of the trustee's appointment, and in each instance it was determined that a trustee was needed.(p.3). The courts never reached the issues; the bankruptcy appellate panel refused to answer any of the briefs; judge Legge made a sua sponte dismissal of a complaint in mandamus, never addressing the issues, and denying petitioner his due process on the basis of a prior injunctive order forever barring petitioner from seeking relief in any state or any federal court. The Ninth Circuit stated (p.2) that petitioner's attempts to remove the trustee, object to payment of void California money orders, objection to criminal contempt for exercising due process, objection

to injunctive orders suspending for petitioner all due process, were disruptive and frivolous acts.

The Ninth Circuit denied petitioner relief by the judicial tactic of placing a frivolous label on major federal causes of action, being the United States equivalent of suspending the laws and constitution of the United States to strip a party of all due process. The frivolous label reversed the common sense and Supreme Court's definition of the term, and was then used to "support" all subsequent due process denial. Each of the federal actions upon which the frivolous label was tacked stated multiple federal causes of action of constitutional magnitude, and reflected grave misconduct within the federal courts and associated with the air disaster, government, and judicial scandal.

The frivolous tactic was then enlarged by calling petitioner a vexatious litigant. On page 2 of respondent's brief, petitioner's exercise of remedies addressing the corrupt, illegal, and unconstitutional seizure of a multi-million dollar estate that funded the exposure of the judicial misconduct associated with the air disaster scandal was called disruption of the orderly

process of the bankruptcy court. "Orderly," in the perverted interpretation by the Ninth Circuit, means the corrupt seizure of properties to silence a whistleblower, the rendering of orders barring petitioner from exercising procedural remedies addressing the unconstitutional taking, and the imposing of a federal penitentiary term on the victim, when the victim desperately seeks help under the laws and Constitution of the United States from literal judicial thugs of the Ninth Circuit!

THE UNDERLYING BASIS FOR DUE PROCESS GRIDLOCK

Petitioner uncovered a major air disaster scandal which extended into a government and judicial cover-up, which in turn sacrificed hundreds of persons in fraud related air tragedies. This scandal was first brought to the attention of the U.S. Supreme Court in two federal actions.[1] Petitioner's exposure actions then threatened to expose those committing the air disaster felonies, and those covering up who made the

[1] Stich v. United States, et al., 554 F.2d 1070 (9th Cir.) (table), cert. denied, 434 U.S. 920 (1977); Stich v. National Transportation Safety Board, 685 F.2d 446 (9th Cir.)(table), cert. denied, 459 U.S. 861 (1982).

subsequent tragedies possible, being the federal judges. A scheme using a sham California action was then initiated to destroy petitioner's assets which funded his exposure activities that threatened the federal judges with exposure. When the California scheme didn't go as planned, and subsequent events revealed the part played by federal judges, numerous unconstitutional injunctive orders were rendered by federal judges. These injunctive orders barred petitioner from seeking relief for the future air disaster victims, barred petitioner from seeking relief from the harms inflicted upon him, and protected the related California scheme.

Petitioner, whose estate was in excellent financial condition, was forced to seek relief in chapter 11 bankruptcy following the (a) filing of a sham California action; (b) denial of all California due process; (c) denial of federal remedies. The California action attacked the personal and property rights adjudicated in a 1966 divorce judgment, (b) reestablished in the registration and confirmation of the judgment as a California judgment, (c) and acquired during 22 years of divorced status. The cause of action was an attack

upon these federally protected rights, alleging that the exercise of personal jurisdiction by the 1966 court on the basis of residence--as used by millions of other persons--would not be recognized 22 years later. Two decades of adjudicated and acquired personal and property rights were wrongfully voided.

Respondent has falsely represented to this Court that the California action is a dissolution of marriage action (p.4), rather than an attack upon personal and property rights that is prohibited under numerous federal rights and privileges, and decisions of the U.S. Supreme Court. The parties divorced status, and personal and property rights, have been (a) established for the last 22 years by the 1966 divorce judgment rendered while petitioner was a resident of that jurisdiction for five months; (b) established by the confirmation of the 1966 judgment as a California judgment; (c) established as a local judgment in the States of Nevada, Oklahoma, and Texas by the entry of the California confirmed judgment in their respective courts.

California law does not recognize an attack upon

a prior divorce judgment as a dissolution of marriage action.[2] California statutory law and California Supreme Court decisions do not permit attacks upon prior divorce judgments. Federal case law prohibits attacks upon personal and property rights when exercising constitutional right to unabridged travel, and clearly does not permit voiding 22 years of adjudicated personal and property rights by a refusal to recognize the exercise of jurisdiction upon residence. Due process and equal protection prohibits that attack when millions of California and other parties exercise jurisdiction on the same basis.

That sham residence argument was judicially engineered to support the attack upon petitioner's assets that funded petitioner's exposure activities. After petitioner exercised procedural remedies against the sham argument, unconstitutional judicial obstruction to due process was repeated perpetrated in the state and federal courts. When petitioner recognized the link between the judicial block and the air disaster scan-

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[2] California Rules of Court 1201(c), 1211, 1212, 1215, 1222, 1229, 1230, 1281, 1282.

dal, injunctive orders were then rendered to block due process remedies addressing the relationship.

The sham California action tied up all of petitioner's properties to where his business came to a standstill. Petitioner commenced losing properties when the illegal lis pendens prevented routine refinancing of mortgages. The federal courts protected every violation of civil and constitutional rights, protected the participants in the scheme, while simultaneously stripping petitioner the right to defend, by a pattern of injunctive orders denying court access.

Respondent makes reference to an appeal (p.2) that petitioner has pending, and that petitioner has not exhausted lower court remedies. That appeal has been preceded by at least half dozen others, each raising multiple federal causes of action in the original complaint, and violation of procedural due process requiring vacating the trial court's dismissal. In every case, the appellate courts refused to address the issues, fabricated a sham basis for upholding the lower court's improper dismissal, protecting the scheme.

The classic example of suspension of due process

is the order respondent includes in their brief. (p. 2)

The bankruptcy judges refused to provide relief from the multiple civil and constitutional violations, and instead, protected and rewarded those committing the violations, and who were part of the scheme to silence this great air disaster, government, and judicial scandal. Every void money order rendered in the sham California action, where the state judges acted without jurisdiction, was ordered paid from the bankruptcy estate, and every objection was disregarded. Civil actions addressing those committing recognizable torts against the conspirators were promptly dismissed by the bankruptcy court, with the magical "frivolous" label applied, and without addressing the causes of action stated in the complaints. For petitioner, the laws and constitution of the United States had been suspended, to protect the conspiracy related to the ongoing air tragedies.

The unconstitutional and fraudulent seizure of petitioner's assets was protected by every judge and justice in the Ninth Circuit, as judge protected judge, to protect the worsening air disaster, government and

judicial scandal, and strip petitioner of due process.

The judicial corruption required heaping fraud upon fraud. The frivolous doctrine was reversed to strip petitioner of all due process. He was then labeled a vexatious litigant when he desperately sought relief under available under the laws and Constitution of the United States. Unconstitutional injunctive orders were rendered to compound the already existing suspension of due process. The judicial schemers stripped him of funds to hire legal counsel. And when counsel was hired, in each case, clear sabotage by counsel followed, showing the awesome and dangerous power of a corrupted federal judiciary. And when this wasn't enough, they sentenced him to the federal prison!

RESPONDENT SEEKS SUPREME COURT APPROVAL OF MAJOR CONSTITUTIONAL VIOLATIONS

Respondent makes reference (p.2) to the numerous injunctive orders rendered by the Ninth Circuit judges, which violated fundamental due process and equal protection rights, and seeks Supreme Court approval. The injunctive orders barred petitioner access to the courts. The requirement to first informally sub-

mit filings to the court for approval deprived petitioner of the appeal remedies. The frivolous labels previously applied to major civil and constitutional violations insured that no cause of action could conceivable receive approval to be filed. Further, petitioner was denied the same due process and equal protection that even vicious criminals enjoy, under the perverted mentality of the entrenched Ninth Circuit judges and justices.

Respondent makes reference to bankruptcy judge Edward Jellen's injunctive orders, which compounded the newly appointed judge's approval of the illegal, unconstitutional, and corrupt seizure of petitioner's properties. The injunctive orders barred petitioner from filing any oppositions, appeals, other papers, and barred petitioner from filing complaints addressing non-bankruptcy matters, causing petitioner to lose causes of action due to statute of limitations. That order obviously violates due process and equal protection, and rendered for the same basis as the others; bar petitioner from addressing any aspect of the scandal, including the right to relief from destruction of

every conceivable human right.

Respondent seeks to have this court approve the prison sentence imposed upon him by newly appointed bankruptcy judge Edward Jellen, as punishment for filing oppositions and appeals to the seizure of petitioner's life's assets. Respondent argues that petitioner (p.2) has not yet been jailed by Judge Jellen, and thus has not been deprived a protected right. Petitioner was sentenced to prison under these constitutionally preposterous conditions, denied a jury trial, denied disqualification of a biased and corrupt bankruptcy judge, denied the right to testify on his own behalf. Petitioner now sits in fear, of being arrested, handcuffed, and without legal counsel, incarcerated and stripped of any other remaining rights. Respondent approves of this.

Respondent raises the number of lawsuits petitioner has filed. Every action responded to civil and constitutional violations inflicted upon petitioner, and stated multiple federal causes of action. If the attacks were not so voluminous, and the federal judges did not abdicate their responsibilities, there would have been no need for the multiple lawsuits.

Respondent argues and impliedly admits the appointment of the trustee without due process and in violation of Congressional protections (p.3), but then claims that the repeated denial of relief by the Ninth Circuit courts protects the seizure. This perverted thinking overlooks the fact that the repeated denial of relief supports the need for the Supreme Court to finally exercise its supervisory responsibilities, and shows again the judicial due process gridlock that protects the outrages.

Respondent argues that "Stich has failed to raise any legitimate basis for granting the review of his petition." (p.3) A taking of ten million dollars in properties, and converting a citizen to abstract poverty, overnight, by corrupt judicial acts, doesn't raise a cause of action in the deviated thinking of respondent. But then, if this Court, or any other group, were to expose this scandal, the trustee would face serious criminal and other charges.

BIZARRE SOURCE OF SUPPORT

After arguing that respondent's exercise of procedural due process under these conditions disrupted

the orderly process of the bankruptcy court, respondent then seeks support (p.7) in Franklin v. Murphy.

Incredible! Franklin was an action in which a prisoner filed over 41 civil right violation actions, raising such trivia as (a) failure of the prison to provide an elevator for his convenience; (b) limiting his association with other inmates; (c) over-watering the prison lawn; (d) failure to have seat belts for horses, as required in automobiles; (e) a television announcer calling an 18-wheel truck a 14-wheeler; and trivia of that nature. Ironically, the holdings in Franklin prohibits the frivolous label, prohibits the injunctive orders barring court access, and undermines the bulk of the judicial violations and the respondent's arguments.

Franklin made reference to Anders v. California 386 U.S. 738 (1967), which in turn holds that a frivolous label cannot be applied to any arguable cause of action, which was far exceeded by any of petitioner's complaints. The frivolous label is the heart of the Ninth Circuit's strategy to strip petitioner of all due process while misusing the federal judiciary to destroy him, and hopefull, destroy petitioner's exposure activi-

ties. For passing, even that scheme backfired. The details of this judicial scandal are now known by the news media, hundreds of radio and television stations in the United States and Canada, and some in Europe, and by every member of the Senate, and most of the members of the House. Many are now part of the conspiracy of silence that extracts as a price, the deaths of unsuspecting persons in continuing related air tragedies.

Franklin made clear that even prisoners cannot be barred access to the courts, even when filing under the restrictive section 1915(d). Franklin's complaints were trivia, while petitioner's were hard-core major civil and constitutional violations. Franklin was allowed to file, but petitioner was stripped of his properties, his freedom, his liberties, solely to silence his public spirited attempts to halt the human carnage arising from the air disaster felonies and misconduct, made possible by the judicial coverup.

After all this, incredibly, respondent seeks support in King v. Nelson, alleging that petitioner is not being denied reasonable access to the courts. (p.6)

III. RESPONDENT'S BRIEF DOES NOT DENY VIOLATIONS:

Respondent does not deny that petitioner's assets were seized while violating constitutional due process; while violating Congressional statutory rights to a noticed hearing, legally recognized cause, supporting evidence. Respondent relies on deception.

IV. CONSEQUENCES OF REFUSAL TO GRANT A HEARING

The allegations stated herein only cover part of the story. Worst still remains. This Court has a responsibility, both from a supervisory responsibility over the lower courts, and from responsibilities under, inter alia, Title 28 U.S.C. § 1343 and Title 42 U.S.C. § 1986. Although the Supreme Court cannot address all violations presented, it certainly has a responsibility when an entire Ninth Circuit runs amuck, establishing as policy the perversion of the laws and Constitution of the United States, the destruction of a targeted whistleblower, and the related past and future deaths of persons no match for the criminal misuse of the judicial process by those federal judges paid and en-

trusted to uphold the law.

Petitioner is prepared to present this court with a full factual account that establishes without doubt in the minds of any reasonable persons, the allegations stated within these pages, including (1) petitioner uncovered what may be the world's worst, ongoing, air safety/air disaster scandal; (2) that federal judges and justices have initially covered up for the air disaster causing felonies,[3] knowingly sacrificing the many, many, hundreds who perished in air tragedies caused and permitted to occur by the coverup; (3) that federal judges/justices initiated a judicial scheme to destroy the petitioner air safety activist, by commencing a sham cause of action in the California courts that had been held unconstitutional by this Court for the past half century and which violated dozens of California statutes, rules of court, doctrines of law, California Constitution, federal statutes and case law, and U.S. Constitution.

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[3] Stich v. United States, et al., 554 F.2d 1070 (9th Cir.) (table), cert. denied, 434 U.S. 920 (1977); Stich v. National Transportation Safety Board, 685 F.2d 446 (9th Cir.)(table), cert. denied, 459 U.S. 861 (1982).

Further, (4) that federal judges reacted to petitioner's discovery and reporting of the botched scheme, by (a) depriving petitioner access to the courts, (b) corruptly placing a frivolous label on complaints raising multiple violations of federally protected rights, (c) compounding these procedural due process violations by ordering huge financial sanctions for exercising constitutionally protected rights and those provided by Congress, (d) by rendering illegal and unconstitutional injunctive orders stripping petitioner of his citizenship and residence status right to court access and the rights and protections in law and Constitution, (e) and then sentencing the air safety activist to prison when he exercised these rights to expose the ongoing air disaster, government and judicial scandal and the relationship to horror and deaths of innocent persons.; that the judicial due process gridlock arises from these acts.

V. THIS COURT LACKS DISCRETION TO APPROVE THESE OUTRAGES BY ABSTENTION

Under this Court's supervisory responsibilities, this Supreme Court has the responsibility to act, or

share in the blame for the consequences that petitioner, and others in the underlying air tragedies, will suffer. This court is reminded of the heavy death toll following this court's previous refusal to grant certiorari in the 1974 and 1980 actions against the Federal Aviation Administration and the National Transportation Safety Board. The specific deaths of over 1000 persons in air tragedies directly related to the misconduct are clearly shown. Deny certiorari, and this related death toll will surely increase substantially, by the thousands in the years ahead. There is no way that the hard-core misconduct can be addressed, without a public disclosure. In addition, the federal courts have already been corrupted to a degree that threatens our form of government. We have in the Ninth Circuit the equivalent, and worse, of the Cook County judicial corruption. These grave judicial wrongs are directly within this Court's area of responsibilities.

CONCLUSION

Grave issues are raised in this petition, of national importance, affecting the lives of innocent persons, addressing the subversion of protected rights by

an entire Ninth Circuit court, for which remedies in law do not exist in fact. Abstention establishes the Supreme Court of the United States approving literal subversion of our form of government, and the sacrifice of innocent persons to protect judicial cowards that constitute one of the worst threats to our form of government.

DATED: March 26, 1989.

Rodney F. Stich
Petitioner in pro se

PROOF OF SERVICE BY MAIL

I, the undersigned, state that I am over the age of 18 years, and not a party to the action stated herein. My place of residence is 43 California Creek, Danville, California.

On March 27, 1989 I served the following reply brief by placing a true copy in an envelope addressed to each of the persons named below, at the address set out immediately next to each respective name, and by sealing and depositing the envelope in the United States mail at Alamo, California, with postage fully prepaid:

Judge Edward Jellen, U.S. Bankruptcy Court
13th & Alice Street, Oakland, CA 94612

Goldberg, Stinnet & MacDonald
Suite 1700, 44 Montgomery St
San Francisco, CA 94104

I declare under penalty of perjury that the foregoing is true and correct. Executed at Alamo, California, on this 27th day of March 1989.

Stephanie Stadtler